

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*

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AMTRAK TRAIN COLLIDES WITH \*

EXCAVATOR IN EAST OAKLAND, \*

CALIFORNIA ON JULY 15, 2022 \*

\*

\* \* \* \* \*

Accident No.: RRD22FR011

Interview of: AMIR REJAIAN, Engineer  
Amtrak

Oakland, California

Sunday,  
July 17, 2022

APPEARANCES:

ZACH ZAGATA, Investigator in Charge  
National Transportation Safety Board

FRANK SIMMONS,  
Federal Railroad Administration

BRIAN FRANSEN, Safety Task Force  
Brotherhood of Local Engineers and Trainmen

FRED MATTISON, System Road Foreman of Engines  
Amtrak

SEAN PAUL, Superintendent  
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KEN ABELL, Observer  
Brotherhood of Local Engineers and Trainmen

JOHN MERVIN,  
Union Pacific Railroad

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(On behalf of Amir Rejaian)

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I N T E R V I E W

(9:05 a.m.)

MR. ZAGATA: Good morning, my name is Zach Zagata; I am the NTSB IIC for this accident. We're here today on July 17th, 2022, at 9:05 to conduct an interview with Amir Rejaian, who works for Amtrak.

This interview is in conjunction with NTSB's investigation of the Grade Crossing accident near Oakland, California. The NTSB Accident Reference No. is RRD22FR011. The purpose of this investigation is to increase safety and not assign fault, blame or liability.

Before we begin our interview and questions, let's go around the table and introduce ourselves. Please spell your last name, who you're representing and your title. I would like to remind everyone to speak clearly so we can get an accurate recording. I'll start off and then pass it to my right.

Again, my name is Zach Zagata, Z-A-G-A-T-A, NTSB.

MR. SIMMONS: Frank Simmons, S-I-M-M-O-N-S, FRA.

MR. MATTISON: Fred Mattison, M-A-T-T-I-S-O-N, Amtrak.

MR. PAUL: Sean Paul, P-A-U-L, Superintendent, Amtrak.

MR. FRANSEN: Brian Fransen, F-R-A-N-S-E-N, BLET.

MR. ABELL: Ken Abell, A-B-E-L-L, I'm a BLET observer.

MR. MERVIN: John Mervin, M-E-R-V-I-N, Union Pacific Railroad.

MR. CASTILLO: Vince Castillo, C-A-S-T-I-L-L-O, outside

1 counsel for Amtrak and I'm here on Amir's behalf.

2 MR. REJAIAN: Amir Rejaian, R-E-J-A-I-A-N, Amtrak, Engineer.

3 MR. ZAGATA: Okay, thank you. Do we have your permission to  
4 record our discussion with you today?

5 MR. REJAIAN: Yes.

6 MR. ZAGATA: Okay, thank you. Do you understand that as part  
7 of this interview the transcript will be part of the public docket  
8 and as such we cannot guarantee any confidentiality?

9 MR. REJAIAN: Yes.

10 MR. ZAGATA: Thank you. All right.

11 INTERVIEW OF AMIR REJAIAN

12 BY MR. ZAGATA:

13 Q. If you could, to start us off with, if you could give us an  
14 overview of your railroad career?

15 A. Hired on with Amtrak in 2010, January of 2010, as a  
16 conductor. I remained a conductor for approximately three years  
17 then I went into engine service and two years in the training  
18 program because I got qualified on more territory than the rest of  
19 my classmates at that time and then I've been a marked-up engineer  
20 since then.

21 Q. Okay, appreciate it. What about as far as territories that  
22 you've operated for?

23 A. Pretty much all of the territories in the Sacramento, Oakland  
24 and Merced crew bases I've been qualified as some additional  
25 territories that we don't normally work on.

1 Q. Okay. Is this your regular assignment?

2 A. I am an extra board employee so it is not. I just work  
3 whatever I'm called for.

4 Q. Okay. Appreciate. Now, if you could give us an overview of  
5 your day starting when you went on duty?

6 A. Okay.

7 Q. Talking us through it and then when you get up to approaching  
8 the crossing if you could talk about where you were located in the  
9 cab, what throttle you're in, you know, what you were doing with  
10 the air, as far as blowing the horn, and what you were seeing and  
11 all that?

12 A. Okay.

13 Q. And then after you get through that, if you could kind of  
14 talk us through after impact, you know, what you did as far as,  
15 you know, calling out emergency and that kind of stuff for us?

16 A. Okay. We were on duty for Train 531 at 8:00 that morning.  
17 Everybody was on time. We did our job briefing. The conductor,  
18 assistant conductor, I have worked with countless times before so  
19 crew that I was familiar with.

20 We departed on time as what I'd call an uneventful trip.  
21 Spoke to a gang at the Martinez area and then also spoke to a gang  
22 that was at Jack Lennon Square, just south of Jack Lennon Square,  
23 excuse me.

24 And then departed Jack Lennon Square, I think we were just a  
25 few minutes late, departed a few minutes late at that time. We're

1 on our way to the Oakland Coliseum which is south, territory  
2 south, and there's a -- I don't know the exact number but there's  
3 a number of crossings going through the East Oakland area and I  
4 was approaching the last crossing of the series of crossings,  
5 which I believe is 50th Street.

6       You come out of a curve and then it's tangent track, straight  
7 rail for I'd say roughly three-quarters of a mile, maybe a little  
8 more than that, but I could see maintenance of way equipment on  
9 Main Track 1, that's two tracks, two main tracks there. I was on  
10 Main Track 2.

11       It appeared to be stopped, you know, countless times, you  
12 know, I'd pass equipment like this and so it just seemed like  
13 another, another normal day of, you know, guys out there working.  
14 And so as I got to the whistle board, you know, I had just -- oh,  
15 sorry, I have to backup.

16       Approaching that area there is a 15 mile an hour permanent  
17 speed to enter the Oakland Coliseum station track. I was already  
18 slowing down for that so I had air applied. That was just prior  
19 to the coming out of the curve, so I'd say roughly about 1.2 miles  
20 out start applying air right around there, one mile, I'd say.

21       I had, I believe, about 10 pounds of air under me. I don't  
22 know the exact speed, I'm going to say about 65 miles an hour,  
23 maybe a little less, maybe a little more, and just what I'd  
24 consider a normal approach to the 15, you know, something that  
25 I've done countless times but --

1           Anyway, I saw the maintenance of way equipment on Main Track  
2 1 and as approaching the whistle board I started a whistle  
3 sequence and bell automatically comes on as well and everything  
4 seemed normal. I'd say between, you know, the whistle sequence is  
5 long, long, short, long, so I'd say at the second long I noticed  
6 that he started moving.

7           And at that time he was just moving straight and then all of  
8 a sudden I saw him starting to turn left and at that point I  
9 started putting a lot more air in it and going into emergency but,  
10 you know, at that point it's very quick within one to two seconds  
11 the impact happened.

12           So at impact I got -- the locomotive got rocked really hard  
13 to the left, to the fireman's side and I rocked on the seat really  
14 hard so that kind of extended my arm. I'm trying to push the  
15 brake lever but I'm going this way to my left.

16           So at that point I had went to handle off, I didn't go into  
17 emergency right at impact. Immediately after impact I did grab  
18 the lever and put it into emergency, came to a stop. I heard, I  
19 believe, there was another foreman out there in a pickup truck.  
20 He yelled, excuse me, he yelled emergency, emergency, emergency.  
21 Excuse me, I'm sorry.

22           So I did not do that but I did immediately dial 911 and  
23 Mr. Harvey answered immediately and I told him that we struck a  
24 maintenance of way vehicle at the milepost of the crossing. I  
25 didn't know the name of that street at the time.

1 I had to grab my binder immediately and then I got that  
2 information but -- and at that point it was just everything was  
3 assessing damage. The assistant conductor had walked forward,  
4 said we were leaking fuel, so I got up and hit the emergency fuel  
5 cutoff.

6 I believe he hit the one on the outside as well. I'm not 100  
7 percent on that but I believe he did that as well. That was  
8 Conductor Bob Hunt if that's needed for the information. And then  
9 everything else was just kind of basic contact with the dispatcher  
10 and the crew, you know, is everybody okay? Passengers, does  
11 anybody need assistance on the train? There was one passenger  
12 that was removed, I think, for a back issue. I'm not 100 percent  
13 sure on that.

14 And then I told Mr. Harvey that we had a fuel leak. Fuel was  
15 leaking onto the ground from the engineer's side of the  
16 locomotive. Everything else was just kind of basic communication,  
17 you know, was I okay, is the crew okay?

18 And Todd Harvey wanted me to -- once he found out about the  
19 fuel leak, wanted me to evacuate the locomotive. He said he  
20 didn't care what happened to the equipment he just wanted to make  
21 sure that I was safe as well as the passengers.

22 The original plan was he wanted the train evacuated but the  
23 crew moved all the passengers to the opposite end of the train so  
24 it's five cars away, so that was a safe distance from any issues  
25 with the locomotive.

1           You know, then everything kind of was focused on what  
2 happened at the crossing at that point. Yeah.

3 Q. I appreciate. How long did you stay at the scene there?

4 A. I was there five hours, does that sound right? I believe  
5 five hours.

6 Q. Okay. Where were you at during that five hours?

7 A. I was -- for the first actually half an hour to 45 minutes I  
8 was in the locomotive.

9 Q. Okay.

10 A. I wanted to stay with the locomotive just for radio contact  
11 then I decided to go to the opposite end of the train which is  
12 where the cab car is and I stayed there just because of the radio  
13 and if anybody needed to contact me. I did occasionally go on the  
14 ground just to get out of the train and just kind of vent.

15 Q. Did the other crew members stay there with you or was it just  
16 you or --

17 A. No, they -- the Conductor Andrew Davis had walked down to the  
18 scene so he was down there for quite some time. Bob Hunt, the  
19 other conductor, was attending to passengers' needs as well as  
20 talking with firemen and police that were on the scene --

21 Q. Okay.

22 A. -- and trying to get everything handled at the train with the  
23 passenger -- excuse me, the passenger that was removed.

24 Q. Okay. Did the passengers; were they there that five hours  
25 too with you?

1 A. No, they were removed I'd say two to two and a half hours  
2 later there was a bus that had to be brought in --

3 Q. Yeah.

4 A. -- and it took some time to get the bus there.

5 Q. Okay. As far as the emergency responders, did that happen  
6 pretty quick you think or --

7 A. Yeah, I'd say within five minutes. The police showed up  
8 first and then the fire department shortly after, I'd say within  
9 five minutes.

10 Q. Okay. I appreciate it. So going back a little bit, you said  
11 you talked to a couple of gangs as you were approaching that  
12 crossing. Was there a Form B that you got talked through at all  
13 or anything like that?

14 A. Yeah, there were two Form Bs, not in that area but there were  
15 two Form Bs. I think I had a total of four that day; there was  
16 two more further south. But, yeah, I had spoke to two foremen for  
17 the Form Bs.

18 Q. Okay.

19 A. One was, I believe, 7.2 on the Nile (ph.) subdivision,  
20 another was at 33 -- I think 33.2 on the Martinez subdivision.

21 Q. So the last one would have been about two to two and a half,  
22 three miles before the crossing, correct, is it?

23 A. Correct.

24 Q. Okay.

25 A. Yes.

1 Q. All right. And then that 15, 15 mile an hour slower, how far  
2 past the crossing is that approximately do you think?

3 A. We're still I'd say about three quarters of a mile away.

4 Q. Okay.

5 A. Yeah.

6 Q. And everything with the train seemed normal?

7 A. Yeah, everything. It's setup. It had -- it was a five car  
8 set and it had a good set of brakes so everything was coming down  
9 as it should be.

10 Q. It was a good train?

11 A. Yeah.

12 Q. Okay, all right. So the night before what time did you go to  
13 bed that night?

14 A. I'd say 10, 10:30. I got a really good night's sleep --

15 Q. Okay.

16 A. -- the night before.

17 Q. You felt rested the next day?

18 A. Yeah, well rested, yeah.

19 Q. Okay, good deal.

20 A. Yeah.

21 MR. ZAGATA: All right. No I appreciate that. And now I'm  
22 going to, I'm going to pass it over to my right --

23 MR. REJAIAN: Okay.

24 MR. ZAGATA: -- and open it up for questions.

25 BY MR. SIMMONS:

1 Q. Amir, my name is Frank Simmons with the Federal Railroad  
2 Administration --

3 A. Okay.

4 Q. -- and I want to thank you for coming in and taking time out.  
5 I know this is a very stressful situation and we are not the judge  
6 and jury here.

7 A. Okay.

8 Q. Okay. So just relax. What we do is we -- is we try to  
9 figure out exactly what happened so this doesn't happen again,  
10 okay?

11 A. Yeah, okay.

12 Q. And that's all we're doing is fact finding.

13 A. Okay.

14 Q. So relax and I just want to thank you for coming here, being  
15 so open and honest with you and I just want to thank you --

16 A. Okay.

17 Q. -- because these are traumatic incidents. I was a railroad  
18 engineer for 12 years, I was a road foreman for seven years, I  
19 know, I know.

20 A. Okay.

21 Q. I've got some basic questions that I'm going to ask you,  
22 Amir.

23 A. Sure. Okay.

24 Q. What color signal were you on?

25 A. I was on approach restricting at East Oakland.

1 Q. Approach restricting, okay. When you came up to the crossing  
2 at 50th Street, we looked at your, at your tape and everything,  
3 the two long, short and the long, fantastic, fantastic job. When  
4 you were approaching that crossing could you see that the crossing  
5 arms were down at that time?

6 A. They were, they were down, yes, yeah.

7 Q. Okay. And if I'm hesitant I'm taking notes, okay, so --

8 A. Yeah, no, not a problem.

9 Q. Do you remember the dispatcher at any time telling you that  
10 there were going to be men and equipment next to the track at 10  
11 or 10 down (ph.) date, close to the 50th Street; do you remember  
12 the dispatcher saying that?

13 A. No.

14 Q. Okay, okay. Now when you called out the approach  
15 restricting, do you remember the engineer in the back calling it  
16 back out to you?

17 A. I believe Andrew Davis did call it back to me, yes.

18 Q. Okay, okay.

19 A. Yeah.

20 Q. Andrew Davis?

21 A. Yes.

22 Q. And he was the conductor not the assistant, right?

23 A. He is the conductor, yes.

24 Q. Okay. The engineer induced emergency, Amir, were you the one  
25 that applied that?

1 A. I was.

2 Q. You were?

3 A. Yes.

4 Q. Okay. How far do you think that your sight distance -- we  
5 were already out there but I realize being a locomotive engineer  
6 we set a lot higher so our visibility is further --

7 A. Right.

8 Q. -- than if you're down in a sports car or something like  
9 that. How far do you think that you could see down to that  
10 crossing?

11 A. So down to that crossing from like say when I --

12 Q. Because it appeared to be pretty straight tangent rail.

13 A. Yeah, okay. So I'd say I could see it once I came out of  
14 that curve.

15 Q. Okay.

16 A. There's a curve prior to that section. So once I came out of  
17 that curve I could see it.

18 Q. And it's -- from my understanding, right about three quarters  
19 of a mile?

20 A. Yeah, I'd say right around there. Yeah.

21 Q. Okay. And I don't want to put words in your mouth, you know.

22 A. Yeah, no, that's where I was at --

23 Q. Okay.

24 A. -- with the distance, yeah, at about three quarters of a  
25 mile.

1 Q. Can you tell me about the weather that day?

2 A. It was mild, clear.

3 Q. Okay. Being a locomotive engineer I think you answered this  
4 already. When the locomotive, when you're running you can tell if  
5 the brakes are kind of -- you need to put a little bit extra into  
6 it --

7 A. Right, right.

8 Q. -- or, you know, that, hey, it's, it's -- you know, we're  
9 getting wheel slippage or anything like that. How was the  
10 locomotive handling that day?

11 A. It was handled very well, it was an F59. They're what I'd  
12 say a little bit slower as far as accelerating but everything else  
13 it seemed perfect. I mean there's --

14 Q. Okay.

15 A. -- no issues whatsoever.

16 Q. No issues. You already answered the emergency; it was the  
17 foreman in the truck?

18 A. Yeah, he yelled out emergency, emergency, emergency and then  
19 I was just waiting to come to a stop and then I immediately dialed  
20 the 911.

21 Q. Then, thank you, thank you. And you said you're on the extra  
22 board so this isn't your normal run?

23 A. Correct.

24 Q. I know what an extra board is; you get called to work  
25 different routes?

1 A. Right.

2 Q. How often would you say that you end up running this bay  
3 route?

4 A. I'd say easily a couple times a week if not more, yeah.

5 Q. Okay. So we'll put two to three times a week?

6 A. Sure.

7 Q. Okay. And like I said, I don't want to put words in your  
8 mouth, okay.

9 A. Yeah.

10 Q. And you've worked for Amtrak for 12 years?

11 A. Correct.

12 Q. And you've been a locomotive engineer for eight of those?

13 A. Yes.

14 Q. You said you had a really good night's sleep prior to that.  
15 You said you went to bed at 10 that night?

16 A. Yeah, 10, 10:30, right around there.

17 Q. Okay. And you reported to work at what time?

18 A. 8:00.

19 Q. At eight in the morning?

20 A. Yes.

21 Q. Okay. So 10 hours. You already explained to us how you  
22 started the day because I like to ask that, were they new crew  
23 members because a lot of times you have to have extra job  
24 briefings in the morning.

25 A. Right.

1 Q. I've never worked with you before; I don't know how you're  
2 going to deal with things.

3 A. Right.

4 Q. Okay so --

5 A. Yeah.

6 Q. You'd worked with this crew before?

7 A. I have, yes.

8 Q. Okay. Thank you, Amir.

9 A. Yeah.

10 Q. Did anything seem out of the ordinary on your run? Did  
11 anything -- you know how we -- I don't want to say hunch or  
12 anything like that but, you know, when you're running it just --  
13 today it just didn't feel right or, you know, or was all the stops  
14 that you were going to seemed like everything was kind of falling  
15 into place that day?

16 A. Yeah, it just seemed like; you know, a normal --

17 Q. Normal --

18 A. -- everything seemed to be going as, as well as could be I  
19 would say, yeah, yeah.

20 Q. Okay, thank you, thank you.

21 A. Yeah.

22 Q. You had one locomotive and five cars?

23 A. Correct.

24 Q. Okay. You wouldn't happen to know the total tonnage would  
25 you?

1 A. Total tonnage, no, I do not.

2 Q. Okay, okay, thank you.

3 A. No.

4 Q. How many stops prior to this, because we're going to say you  
5 stopped here at 50th because --

6 A. Okay.

7 Q. -- you didn't go any further, how many stops had you already,  
8 don't know?

9 A. Let's see it should have been, at that point 10. Let's see.

10 Q. It's okay, it's okay.

11 A. Nine, nine stops, yeah.

12 Q. Yeah, because you're not expected to know every one so --

13 A. Yeah.

14 Q. -- I appreciate that. That's all the questions I have.

15 A. Okay.

16 MR. SIMMONS: Again I want to thank you for coming out here  
17 and, like I said, be at ease, okay. Thank you.

18 MR. REJAIAN: Thank you.

19 BY MR. MATTISON:

20 Q. Okay, this is Fred Mattison, M-A-T-T-I-O-S -- M-A-T-T-I-S-O-N  
21 from System Road Foreman of Engines from Amtrak. Amir, thank you  
22 for coming in this morning. Are you feeling okay, do you need a  
23 drink of water or anything, need a break or anything, you're good  
24 so far?

25 A. I'm good right now. Thank you.

1 Q. I've been there. I do know, I know it's really stressful and  
2 this is not --

3 A. Yeah.

4 Q. -- an enjoyable thing to do for a Sunday morning.

5 A. Right.

6 Q. Probably like the rest of us you'd probably be just working  
7 right now but --

8 A. Absolutely.

9 Q. We'll get through this. We're all one here, we're all part  
10 of the railroad family so we'll be okay so --

11 A. Okay.

12 Q. I do have a couple questions answered pretty much. I'm not  
13 going to, I'm not going to double the hills with some of this  
14 stuff. Train 531 starts at -- you're at Sacramento, right?

15 A. Correct.

16 Q. You know, Sacramento to --

17 A. To San Jose.

18 Q. -- to San Jose and then 2009 and five cars?

19 A. Yes.

20 Q. So we're good there. You said you didn't take any exceptions  
21 to the equipment?

22 A. Yes.

23 Q. So we're good there.

24 A. Yeah, good.

25 Q. When you were coming up to 50th Street did you observe any

1 M&W guys on the ground or any personnel outside of the speed swing  
2 on the crossing, was there anybody on the ground at all walking  
3 around there?

4 A. I didn't see any personnel on the ground, no.

5 Q. Okay, all right. All right. All right. How was your  
6 visibility through the window, was it clean, were there all kinds  
7 of bugs on it or --

8 A. No, it was a clean windshield, good visibility.

9 Q. Okay, cool. Do you see any other people around the crossing,  
10 any pedestrians or any, anybody just around the general vicinity  
11 of the crossing that might have been like bystanders?

12 A. I didn't, I don't recall anybody on the ground. Usually  
13 there's a lot of homeless people through there.

14 Q. Right.

15 A. It was still kind of relatively early.

16 Q. Right, okay.

17 A. You know, eleven. But, yeah, I didn't recall seeing any  
18 people on the ground. I think there may have been a vehicle on  
19 the other side of the crossing but I'm not 100 percent on that.

20 Q. All right. Okay. And take your time with this one, all  
21 right. When you were coming up to the speed swing, obviously  
22 you're running over 60 miles an hour, like you stated. You have  
23 10 pounds on because you're slowing down for the switch for  
24 coliseum as you're coming up there.

25 A. Correct.

1 Q. And you saw the crane off on the adjacent track, you know, in  
2 the distance as you're approaching it. Did you observe or could  
3 you tell if the crane was on the tracks, if the high rail gear was  
4 on the rail or if it was raised and the speed swing was kind of  
5 just going along the ties up to the crossing?

6 A. So, from a distance I could not see. I, you know, thought  
7 that he was high railing and he was just stopped at the crossing.

8 Q. Okay.

9 A. And, like I say, just prior and I was already in my whistle.  
10 I know I had whistled the first time and that's when I noticed he  
11 was moving.

12 Q. Okay.

13 A. So at that point, yeah, I realized he was not high railing  
14 but he was -- the tires were on the ground.

15 Q. Okay. Did you -- while you were coming up there, I know the  
16 radio gets busy. Did you hear anything on the radio that could  
17 have possibly been from the crane talking to somebody else or  
18 another track foreman out there or was it kind of radio quiet?

19 A. It was quiet at that particular time, yeah.

20 Q. Quiet, yeah. Okay, cool.

21 A. Yeah.

22 Q. Okay. And then you said, you said you had the brakes on,  
23 obviously, and then once you saw that the crane was beginning to  
24 turn into the path of you or following main track on, that you  
25 started digging and then you were in the process of pushing the

1 handle for the automatic brake handle forward to emergency --

2 A. Correct.

3 Q. -- but the impact, you got the handle off, you got knocked  
4 around and then once you were able to reposition yourself you kept  
5 on going into emergency?

6 A. Correct, correct.

7 Q. And then at that point you were on for the ride?

8 A. Yeah.

9 Q. And then did you push 911 on the radio as you were stopping  
10 or once you got stopped and got your bearings?

11 A. I came to a complete stop and then I --

12 Q. Okay.

13 A. -- did the 911.

14 Q. Okay.

15 A. And I was -- as we were stopping I heard the emergency,  
16 emergency, emergency.

17 Q. Okay.

18 A. From the -- I believe, another foreman that was in the pickup  
19 truck.

20 Q. Okay, cool. And then you said you stayed on the engine for  
21 about 45 minutes?

22 A. Yeah, I'd say probably about 45 minutes I stayed there.

23 Q. Okay. You're not sure who shut the engine down but you  
24 pressed the FCO anyway and then you were done?

25 A. Yeah, as soon as he came up, I couldn't see out of the mirror

1 too well because there was hydraulic fluid and diesel fuel --

2 Q. Right.

3 A. -- all over everything.

4 Q. Okay.

5 A. So I didn't immediately see the fuel leak but the AC, he came  
6 up immediately to see what was going on and he said the fuel tank  
7 was leaking and so I jumped up and hit the --

8 MR. MATTISON: Okay, all right, cool. Yeah, now as far as --  
9 that's what I have as far as this incident so, thank you, I  
10 appreciate you --

11 MR. REJAIAN: Okay, thank you.

12 MR. MATTISON: -- you doing this for us. All right.

13 MR. PAUL: All right. Sean Paul, P-A-U-L, Amtrak. I don't  
14 have any questions.

15 MR. FRANSEN: Brian Fransen, F-R-A-N-S-E-N, with BLET Safety  
16 Task Force and I have no questions either.

17 MR. REJAIAN: Okay.

18 MR. ABELL: I'm just an observer.

19 BY MR. MERVIN:

20 Q. Okay. John Mervin, Union Pacific, just one question for you,  
21 sir. Did you hear any communication with the engineering group or  
22 anybody named Tovar on the radio, any discussion at all with the  
23 maintenance of way engineering folks on the ground, you know, as  
24 you were traversing down the track South?

25 A. I, I did not hear anything, any communication between them,

1 no.

2 Q. Okay.

3 A. No.

4 MR. MERVIN: All right. Sounds good.

5 MR. REJAIAN: Okay.

6 MR. CASTILLO: Vince Castillo, I have no questions.

7 BY MR. ZAGATA:

8 Q. Zach Zagata, NTSB. Just to follow-up. So it's pretty common  
9 to see equipment sitting off on a different track as you're moving  
10 through areas?

11 A. Yeah.

12 Q. Okay.

13 A. Yeah, the guys will get whatever track on time or and it is  
14 common to see equipment on adjacent rail.

15 Q. Okay. And there was no tracking time?

16 A. I, honestly, I don't know if there was or not. I couldn't  
17 tell you.

18 Q. Okay.

19 A. I don't know if he was just, you know, moving to get to that  
20 crossing or what the exact situation was but that I could not tell  
21 you.

22 MR. ZAGATA: Okay. I appreciate it, that's all I have. Does  
23 anybody else have any additional questions?

24 MR. SIMMONS: Frank Simmons, FRA, thank you so much, Amir.

25 Thank you.

1 MR. REJAIAN: You're welcome.

2 MR. SIMMONS: That's it.

3 MR. ZAGATA: Anybody else?

4 UNIDENTIFIED SPEAKER: No, sir.

5 BY MR. ZAGATA:

6 Q. Okay. Well, with that last question I have for you and this  
7 is Zach Zagata, NTSB. Do you think there's anything that could be  
8 done to prevent something like this from happening again?

9 A. Yeah, you know, there definitely has to be something that  
10 could prevent it and, you know, like you guys said, this isn't,  
11 you know, to blame anybody. It just -- it was an accident as far  
12 as, you know, I could see.

13 And I don't know what, you know, the maintenance of way  
14 safety rules are or, you know, but it just -- you know, it's --  
15 sorry, it's kind of tough to -- you know, I've talked to Sal on  
16 the radio before and like I said earlier, it's like family.

17 MR. ZAGATA: Understood. Well, I appreciate it, sir. And  
18 with that we'll adjourn.

19 MR. REGAIAN: All right.

20 MR. ZAGATA: Thank you.

21 (Whereupon, the interview was concluded.)  
22  
23  
24  
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           AMTRAK TRAIN COLLIDES WITH  
                                  EXCAVATOR IN EAST OAKLAND,  
                                  CALIFORNIA ON JULY 15, 2022  
                                  Interview of Amir Rejaian

ACCIDENT NO.:               RRD22FR011

PLACE:                       Oakland, California

DATE:                        July 17, 2022

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.

  
\_\_\_\_\_  
Wade Donovan  
Transcriber